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### HSTA 577.01: Law, Capitalism, and Democracy in U.S. History

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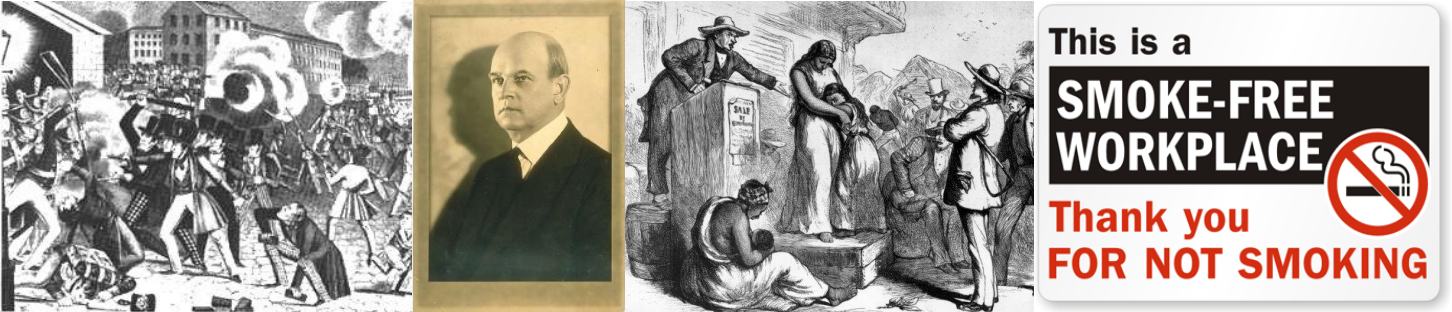
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# Law, Capitalism, & Democracy in U.S. History

University of Montana, Department of History

Fall 2020 / Fridays, 2-4:50pm



## PROFESSOR KYLE G. VOLK

Email: [kyle.volk@umontana.edu](mailto:kyle.volk@umontana.edu)

Office Hours (via Zoom): Tuesdays, 12-2pm; Thursdays, 1-2:30pm; and by appointment

Office Hours Zoom Link: <https://umontana.zoom.us/j/99335272704?pwd=SFEzTWIwZWxqNG9sR3FFSnBEclBSQT09>

- Moodle Page: <https://moodle.umd.edu/course/view.php?id=32074#section-7>
- Class Permanent ZOOM Link: <https://umontana.zoom.us/j/99353912824>

## WHAT WE'RE DOING:

This graduate colloquium introduces students to the scholarly literatures of three broad and overlapping fields: U.S. legal history and the history of the American state; the history of American capitalism; and the history of American democracy. Students taking this course will interrogate classic scholarship and gain a strong understanding of the current state of scholarly conversations in these fields. In addition to wrestling with some of the most essential themes in U.S. history, our conversations will also interrogate historical methodology and explore new avenues for research.

Doctoral students wishing to take a comprehensive field examination in Law, Capitalism, and Democracy in U.S. History (or another related field) with Professor Volk must take this course. Doctoral or masters students wishing to have Professor Volk on their dissertation or thesis committee also must take this course.

## WHAT I HOPE YOU GAIN:

Students completing this course will be able to:

- Describe the types of historical questions and methodologies that animate three overlapping sub-fields of U.S. history: legal history and the history of the American state, the history of American capitalism, and the history of American democracy
- Speak and write intelligently about the past, present, and potential future of those subfields
- Critically appraise secondary scholarship by interrogating such issues as framing and argumentation, historical significance, historiographical and theoretical contribution, research approach and methodology
- Craft penetrating interpretive questions designed to unpack secondary scholarship and probe its historical, historiographical, and humanistic significance

- Lead graduate-level discussions of classic and new scholarship with confidence and verve
- Construct synthetic interpretive essays worthy of publication
- Raise new research questions that might be pursued in the future

### **WHAT I NEED YOU TO DO:**

Completion of assigned readings, faithful attendance, and consistent, constructive, and courteous participation are essential to the success of our course. Failure to meet these most basic requirements will be detrimental to the quality of our discussions and to your grade in this course. More formally, students are required to do the following:

**1. Create and Contemplate Weekly Discussion Questions.** Each week students are required to post five questions worthy of our discussion in class. Whenever possible, these questions should raise debatable issues—analytical, interpretive, historiographical, methodological, pedagogical, etc.—that force us to wrestle with each week’s readings. Questions should help us deepen our comprehension and assessment of the readings. To those ends, questions should do more than ask us to repeat or summarize the content or approach of a particular text. Ideally, at least three of your questions should tackle what in your assessment matters most in each set of readings (the big questions; the largest stakes; the macro-level significance of the text in question). Some of your questions might ask us to bring works within and between weeks into conversation with each other. At least two questions each week should somehow engage with the articles/essays.

In preparation for our discussions, students are expected to consider their classmates’ questions thoroughly. Because of the size of our class, I’ve created two groups to limit the number of discussion questions you’ll be required to review before class. Please post your questions to your assigned group and then consider the questions posted by classmates in your group.

Discussion questions should be posted to the course’s MOODLE site **each Wednesday by 12noon**. Please post in a WORD document and use the “Discussion Question Template” (available on Moodle) to ensure consistent formatting.

### **Further Thoughts on Crafting Good Discussion Questions:**

- Time spent thinking is as important as time spent reading. So pause along the way to think about what you’re reading—and in the process—identify question-worthy themes/issues. If you wait until you’ve completed your reading to construct draft questions, the task will become that much more difficult.
- Craft rough discussion questions while you read. Craft more than 5. Make selections (pick the best 5, and when possible, diversify your themes) and revise your questions for punch and precision. Edit your questions for clarity, comprehension, and verbal presentation.
- Limit your words. Trust me when I say that I’ve witnessed a tendency to turn discussion questions into paragraphs. Let’s avoid this. Consider that the basic point of this exercise is for discussion leaders to be able to use your questions to inspire discussion. Consider also that discussion questions are heard and not read. So make them as comprehensible and digestible as possible and fight the tendency to overwrite. If you need more than a sentence or two of preface to your question, rethink your approach.
- Assume that we’re going to cover—in some way or another—the fundamentals (ie. items represented in the first several sections of the reading digestion guide). So refrain from asking

such basic questions as: “What is the argument of the book?” Find other ways to get at the fundamentals and to push the discussion beyond them.

- There is no simple formula for what makes a good discussion question, not least because our readings and their significance will differ. Some students find this frustrating, but embrace the challenge by doing your best, taking risks, learning from your classmates, and incorporating my feedback.
- Know that I'm glad to discuss discussion questions at any time, so don't hesitate to reach out.

**2. Lead Discussion.** This will be done in pairs. History PhD students will lead discussion twice. All other students will lead discussion once. Discussion leaders are required to read all of their classmates' discussion questions and use them to structure our discussion. The goal of the discussion leader is **not to act as the expert or authority** in a given week but rather to facilitate a lively and wide-ranging discussion that touches on the manifold issues raised in the texts and by your classmates. Our discussion should be rigorous, stimulating, and above all, enjoyable. To prepare for leading discussion, discussion leaders are required to meet with the instructor (via Zoom) on the Thursday before class at 1pm. Please come to that meeting with a tentative plan for discussion.

### **3. Complete Written Assignments.**

- Week 1 – Reading Digestion Guide
- Week 2 – Short Essay
- Weeks 5, 10, 15 – Longer Synthetic Essays. Particular assignments forthcoming.

### **4. Recommended Methodical Approach to Note-Taking/Portfolio**

- **All students**, but especially doctoral students wanting to take a comprehensive field examination with me, should approach the reading this semester in methodical fashion. To that end, I encourage all of you to create a secondary literature portfolio that includes one page of notes (single spaced) for each book we read and a half page of notes for each article, essay, or book section we read. The content of these notes should reflect questions raised in Week 1's “Reading Digestion Guide” and when possible, bring different readings into conversation with each other. My hope is that you'll produce a draft of these notes each week before class—consider this good preparation for discussion as well. And then I hope you will add to, edit, and otherwise revise your notes following our discussion. At the end of the semester, and perhaps after taking a breath, you should compile your notes from the semester and undertake one more overall revision. Doctoral students especially should take time then to think and write about the state of the field(s) we've explored in this class and whenever possible relate your conclusions to your own developing research agendas.

**CORE TEXTS** (available for purchase at the UM Bookstore or through on-line booksellers):

- Kimberly K. Smith, *The Dominion of Voice: Riot, Reason, and Romance in Antebellum Politics* (Kansas, 1999) [9780700609574]
- J. Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Wisconsin, 1956) [9780299013639]
- William J. Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* (UNC, 1996) [9780807846117]
- Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Harvard, 1999) [9780674005396]

- Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (Norton, 2020) [9780393609844]
- Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Harvard, 2003) [9780674017658]
- Noam Maggor, *Brahmin Capitalism: Frontiers of Wealth and Populism in America's First Gilded Age* (Harvard, 2017) [9780674971462]
- Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge, 2001) [9780521794039]
- Sarah E. Igo, *The Averaged American: Surveys, Citizens, and the Making of a Mass Public* (Harvard, 2008) [9780674027428]
- Tore C. Olsson, *Agrarian Crossings: Reformers and the Remaking of the US and Mexican Countryside* (Princeton, 2017) [9780691210452]
- Timothy Mitchell, *Carbon Democracy: Political Power in the Age of Oil* (Verso, 2013 edition) [9781781681169]
- Sarah Milov, *The Cigarette: A Political History* (Harvard, 2019) [9780674241213]
- Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States* (Basic, 2020) [9780465064267]

### ~~~COURSE SCHEDULE~~~

#### **(8/21) Week I: Foundations**

Discussion Lead: Kyle

Kimberly K. Smith, *The Dominion of Voice: Riot, Reason, and Romance in Antebellum Politics* (Kansas, 1999)

Sven Beckert and Christine Desan, eds., "Introduction," *American Capitalism: New Histories* (Columbia, 2018), 1-32

Woody Holton, "The Capitalist Constitution," in *American Capitalism*, 35-62.

#### Further Reading:

Louis Hartz, *The American Liberal Tradition* (Harcourt Brace, 1955)

Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (Norton, 1989)

Terry Bouton, *Taming Democracy: "The People," the Founders, and the Troubled Ending of the American Revolution* (Oxford, 2007)

Woody Holton, *Unruly Americans and the Origins of the Constitution* (Hill & Wang, 2008)

Pauline Maier, *Raftification: The People Debate the Constitution, 1787-1788* (Simon & Schuster, 2010)

Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (Basic, 2000)

Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (Oxford, 2005)

James T. Kloppenberg, "From Hartz to Tocqueville: Shifting the Focus from Liberalism to Democracy in America" in *The Democratic Experiment: New Directions in American Political History*, eds., Novak, et.al. (2003)

James T. Kloppenberg, *Toward Democracy: The Struggle for Self-Rule in European and American Thought* (Oxford, 2016)

Jurgen Kocka, *Capitalism: A Short History* (Princeton, 2016)

Christopher R. Pearl, *Conceived in Crisis: The Revolutionary Creation of an American State* (UVA, 2020)

## POST 5 Discussion Questions

**WRITE: Complete Reading Digestion Guide – Upload to Moodle by Friday, 8/21, at 2pm**

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### (8/28) Week II: Law & Capitalism in the 19<sup>th</sup> Century

Discussion Lead: Kyle

J. Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Wisconsin, 1956), Ch. 1

William J. Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* (UNC, 1996), Intro, Ch. 1-3, 5, 6, Conclusion

Kyle G. Volk, "The Consequential State: Public Law and the Release of Energy in Nineteenth-Century America," *American Journal of Legal History* 57 (June 2017), 232-237.

#### Further Reading:

James Willard Hurst, *Law and Economic Growth: The Legal History of the Lumber Industry in Wisconsin, 1836-1915* (Harvard, 1964)

Morton Horwitz, *The Transformation of American Law, 1780-1850* (Harvard, 1977)

Robert M. Cover, "Violence and the Word," *Yale Law Journal* 95 (1985-1986), 1601-1629.

Hendrik Hartog, "Pigs and Positivism," *Wisconsin Law Review* 4 (1985), 899-935.

Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (1993)

Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, 2000)

Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (UNC, 2009)

Barbara Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge, 2010)

Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Harvard, 2011)

Deborah A. Rosen, *Border Law: The First Seminole War and American Nationhood* (Harvard, 2015)

## POST 5 Discussion Questions

**WRITE: Craft a 3-4-page essay comparing Hurst's, Novak's, and Volk's historical appraisal of the role of law in nineteenth-century America. To what extent do they agree? Be sure to be attentive to distinctions between private and public law.**

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### (9/4) Week III: Slavery, Commodification, Capitalism

Lead: Michael & Jolie

Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Harvard, 1999)

Sven Beckert and Seth Rockman, "Introduction" to *Slavery's Capitalism: A New History of American Economic Development* (Penn, 2016), 1-28, 299-308.

Caitlin Rosenthal, "Slavery's Scientific Management: Masters and Managers," in *Slavery's Capitalism: A New History of American Economic Development* (Penn, 2016), 62-86, 323-329.

Further Reading:

- Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (Vintage, 1972)
- Thomas Haskell, "Capitalism and the Origins of the Humanitarian Sensibility," *American Historical Review* 90 (1985), 339–361, 547–566.
- Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Hopkins, 2009)
- Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Harvard, 2013)
- Sven Beckert, *Empire of Cotton: A Global History* (Knopf, 2014)
- Edward E. Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (Basic, 2014)
- Amy Dru Stanley, "Histories of Capitalism and Sex Difference," *Journal of the Early Republic*, 36, 2 (Summer 2016), 343-350.
- Daniel B. Rood, *The Reinvention of Atlantic Slavery: Technology, Labor, Race, and Capitalism in the Greater Caribbean* (Oxford, 2017)
- Stephanie E. Jones-Rogers, *They Were Her Property: White Women as Slave Owners in the American South* (Yale, 2019)

**POST 5 Discussion Questions**

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**(9/11) Week IV: State & Empire in Nineteenth-Century America**      Lead: Sari & Lerene  
 Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (Norton, 2020)

- James T. Sparrow, et.al, eds., *Boundaries of the State in US History* (Chicago, 2015), 1-15; and "Part One: The State and the World," 17-19; Gautham Rao, "The Early American State 'In Action,'" 21-56.
- Aaron Hall, "Slaves of the State: Infrastructure and Governance through Slavery in the Antebellum South," *Journal of American History* 106, 1 (June 2019), 19-46.

Further Reading:

- William J. Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113 (June 2008).
- Brian Balogh, *A Government Out of Sight: the Mystery of National Authority in Nineteenth-Century America* (Cambridge, 2009)
- Max M. Edling, *A Hercules in the Cradle: War, Money and the American State, 1783-1867* (Chicago, 2014)
- John Craig Hammond, "Slavery, Sovereignty, and Empires: North American Borderlands and the American Civil War, 1660-1860," *Journal of the Civil War Era* 4, 2 (June 2014), 264-98.
- Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago, 2016)
- Jay Sexton, *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (Hill & Wang, 2011)
- Bethel Saler, *The Settlers' Empire: Colonialism and State Formation in America's Old Northwest* (Penn, 2014)
- Matthew Karp, *The Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Harvard, 2016)
- Ryan A. Quintana, *Making a Slave State: Political Development in Early South Carolina* (UNC, 2018)

**POST 5 Discussion Questions**

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**(9/18) Week V: NO CLASS**

**WRITE:** Essay uploaded to MOODLE by 5pm on 9/18. Details forthcoming.

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**(9/25) Week VI: Practicing Democracy (or Not) & Citizenship**

Lead: Maddie & Katie

Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Harvard, 2003)

Manisha Sinha, "Revolution or Counterrevolution?: The Political Ideology of Secession in Antebellum South Carolina," *Civil War History* 46 (September 2000), 205-226.

Stephanie McCurry, "Women Numerous and Armed: Gender and the Politics of Subsistence in the Civil War South," in *Wars Within a War*, eds., Joan Waugh and Gary Gallagher (UNC, 2009), 1-26.

Further Reading:

William E. Gienapp, "The Crisis of American Democracy: The Political System and the Coming of the American Civil War," in *Why the Civil War Came* (Oxford, 1996): 81-124.

Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (California, 1997)

Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Harvard, 2010)

Gregory P. Downs, *Declarations of Dependence: The Long Reconstruction of Popular Politics in the South, 1861-1908* (UNC, 2011)

Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898* (Chapel Hill, 2014)

Kyle G. Volk, *Moral Minorities and the Making of American Democracy* (Oxford, 2014)

Daniel Peart and Adam I.P. Smith, eds., *Practicing Democracy: Popular Politics in the United States from the Constitution to the Civil War* (Virginia, 2015)

Ariel Ron, "Summoning the State: Northern Farmers and the Transformation of American Politics in the Mid-nineteenth Century," *Journal of American History* (Sept. 2016), 347-374.

Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910* (Penguin, 2016)

Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Harvard, 1977)

Michael E. McGerr, *The Decline of Popular Politics: The American North, 1865-1928* (Oxford, 1986)

Shawn Leigh Alexander, *An Army of Lions: The Civil Rights Struggle Before the NAACP* (Penn, 2012)

Charles Postel, *Equality: An American Dilemma, 1866-1896* (Farrar, Straus, and Giroux, 2019)

Stephen Kantrowitz, "White Supremacy, Settler Colonialism, and the Two Citizenships of the Fourteenth Amendment," *Journal of the Civil War Era* 10, 1 (March 2020), 29-53.

**POST 5 Discussion Questions**

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**(10/2) Week VII: U.S. Industrial Capitalism & Its Discontents**

Lead: Tyler & Eamon

Noam Maggor, *Brahmin Capitalism: Frontiers of Wealth and Populism in America's First Gilded Age* (Harvard, 2017)

Emma Teitelman, "The Properties of Capitalism: Industrial Enclosures in the South and the West after the American Civil War," *Journal of American History* 106, 4 (March 2020), 879-900.



Sven Beckert, "American Danger: United States Empire, Eurafrica, and the Territorialization of Industrial Capitalism, 1870-1950," *American Historical Review* (Oct. 2017), 1137-1170.

#### Further Reading:

Herbert G. Gutman, "Work, Culture, and Society in Industrializing America, 1815-1919," *American Historical Review* 78 (Jun. 1973), 531-588.

David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge, 1993)

Alfred Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Belknap, 1977)

Eric Foner, "Why Is There No Socialism in the United States?," *History Workshop Journal* 17 (1984), 57-80.

Gavin Wright, "The Origins of American Industrial Success, 1879-1940," *American Economic Review* 80, 4 (1990), 651-668.

William Cronon, *Nature's Metropolis: Chicago and the Great West* (Norton, 1991)

Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge, 1998)

Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877-1917* (Chicago, 1999)

Richard Bense, *The Political Economy of American Industrialization, 1877-1900* (Cambridge, 2000)

Sven Beckert, "Democracy and Its Discontents: Contesting Suffrage Rights in Gilded Age New York," *Past and Present* (February 2002), 114-155.

Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (Cambridge, 2001)

Andrew Wender Cohen, *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900-1940* (Cambridge, 2004)

James Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement, and the Bombing that Divided Gilded Age America* (Anchor, 2006)

Charles Postel, *The Populist Vision* (Oxford, 2007)

Thomas Andrews, *Killing for Coal: America's Deadliest Labor War* (Harvard, 2008)

Julia C. Ott, *When Wall Street Met Main Street: The Quest for an Investors' Democracy* (Harvard, 2011)

Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America* (Harvard, 2012)

Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (Norton, 2012)

Nicolas Barreyre, *Gold and Freedom: The Political Economy of Reconstruction* (Virginia, 2015)

Leon Fink, *The Long Gilded Age: American Capitalism and the Lessons of a New World Order* (Penn, 2015)

Pamela Haag, *The Gunning of America: Business and the Making of American Gun Culture* (Basic, 2016)

Naomi R. Lamoreaux and William J. Novak, eds., *Corporations and American Democracy* (Oxford, 2017)

Lukas Rieppel, *Assembling the Dinosaur: Fossil Hunters, Tycoons, and the Making of a Spectacle* (Harvard, 2019)

### **POST 5 Discussion Questions**

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#### **(10/9) Week VIII: Law & State in the Progressive Era**

Lead: John & Ben

Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge, 2001)

William J. Novak, "The Administrative State in America," in *Max Planck Handbook in European Public Law: The Administrative State* (Oxford, 2017), 98-124.

Kimberley A. Reilly, “‘A Perilous Venture for Democracy’: Soldiers, Sexual Purity, and American Citizenship in the First World War,” *Journal of the Gilded Age and Progressive Era*, 13 (2014), 223-255.

#### Further Reading:

- Richard Hofstadter, *The Age of Reform* (Vintage, 1955)
- Robert H. Wiebe, *The Search for Order, 1877-1920* (Hill & Wang, 1967)
- Daniel T. Rodgers, “In Search of Progressivism,” *Reviews in American History* 10 (Dec. 1982), 113-132.
- Michel Foucault, “Governmentality,” in Graham Burchell, Colin Gordon, and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality* (1991), 87-104.
- Morton J. Horwitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy* (Oxford, 1994)
- Ian F. Haney Lopez, *White By Law: The Legal Construction of Race* (NYU, 1996)
- Peggy Pascoe, “Miscegenation Law, Court Cases, and Ideologies of ‘Race’ in Twentieth-Century America,” *Journal of American History* 83 (Jun. 1996), 44-69.
- Barbara Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge, 2001)
- Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco’s Chinatown* (California, 2001)
- Brian Balogh, “Scientific Forestry and the Roots of the Modern American State: Gifford Pinchot’s Path to Progressive Reform,” *Environmental History* 7 (April 2002), 198-225.
- John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Harvard, 2004)
- Paul A. Kramer, *The Blood of Government: Race, Empire, the United States and the Philippines* (UNC, 2006)
- Kimberley S. Johnson, *Governing the American State: Congress and the New Federalism, 1877-1929* (Princeton, 2007)
- Michael Willrich, “‘The Least Vaccinated of Any Civilized Country’: Personal Liberty and Public Health in the Progressive Era,” *Journal of Policy History* (Winter 2008).
- Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford, 2010)
- Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford, 2010)
- Cathleen Cahill, *Federal Fathers and Mothers: A Social History of the United States Indian Service, 1869-1933* (Chapel Hill, 2011)
- Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West* (California, 2012)
- William Murphey, “Theodore Roosevelt and the Bureau of Corporation: Executive-Corporate Cooperation and the Advancement of the Regulatory State,” *American Nineteenth Century History* 14, 1 (2013), 73-111.
- Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (Norton, 2015)
- Daniel R. Ernst, *Tocqueville’s Nightmare: The Administrative State Emerges in America, 1900-1940* (Oxford, 2014)
- William J. Novak, “The Progressive Idea of Democratic Administration,” *University of Pennsylvania Law Review* 167 (2019), 1823-1848.

#### **POST 5 Discussion Questions**

Sarah E. Igo, *The Averaged American: Surveys, Citizens, and the Making of a Mass Public* (Harvard, 2008)

Andrew Jewett, "Science and the Promise of Democracy in America," *Daedalus* 132, No. 4 (Fall 2003), 64-70.

Bruce J. Schulman and Julian E. Zelizer, "Introduction," and David Greenberg, "The Ominous Clang: Fears of Propaganda from World War I to World War II," in *Media Nation: The Political History of News in Modern America* (Penn, 2017), 1-9, 207; 50-62, 214-218.

#### Further Reading:

Edward A. Purcell, Jr., *The Crisis of Democratic Theory: Scientific Naturalism & the Problem of Value* (Kentucky, 1973)

David Rabban, *Free Speech in its Forgotten Years, 1870-1920* (Cambridge, 1999)

Margaret O'Mara, *Cities of Knowledge: Cold War Science and the Search for the Next Silicon Valley* (Princeton, 2005)

David Suisman, *Selling Sounds: The Commercial Revolution in American Music* (Harvard, 2009)

Fred Turner, *The Democratic Surround: Multimedia and American Liberalism from World War II to the Psychedelic Sixties* (Chicago, 2013)

Sam Lebovic, *Free Speech and Unfree News: The Paradox of Press Freedom in America* (Harvard, 2016)

Laura Weinrib, *The Taming of Free Speech: America's Civil Liberties Compromise* (Harvard, 2016)

Julia Guarneri, *Newsprint Metropolis: City Papers and the Making of Modern Americans* (Chicago, 2017)

Michael Stamm, *Dead Tree Media: Manufacturing the Newspaper in Twentieth-Century North America* (Hopkins, 2018)

Sarah E. Igo, *The Known Citizen: A History of Privacy in Modern America* (Harvard, 2018)

Andrew Jewett, *Science Under Fire: Challenges to Scientific Authority in Modern America* (Harvard, 2020)

### **POST 5 Discussion Questions**

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#### **(10/23) Week X: NO CLASS**

**WRITE:** Essay uploaded to MOODLE by 5pm on 10/23. Details forthcoming.

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#### **(10/30) Week XI: Governance and Its Politics in Modern America**      Lead: John & Tyler

Tore C. Olsson, *Agrarian Crossings: Reformers and the Remaking of the US and Mexican Countryside* (Princeton, 2017)

Jefferson Cowie and Nick Salvatore, "The Long Exception: Rethinking the Place of the New Deal in American History," *International Labor and Working-Class History* 74 (Fall 2008), 3-32.

Brent Cebul and Mason B. Williams, "'Really and Truly a Partnership': The New Deal's Associational State and the Making of Postwar American Politics," in *Shaped by the State*, eds., Brent Cebul, et.al. (Chicago, 2019)

#### Further Reading:

Lizabeth Cohen, *Making A New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge, 1990)

Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (Vintage, 1995)

Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State* (Princeton, 2006)

- Wendy L. Wall, *Inventing the "American Way": The Politics of Consensus from the New Deal to the Civil Rights Movement* (Oxford, 2008)
- Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, 2009)
- James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford, 2011)
- Michele Landis Dauber, *The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* (Chicago, 2012)
- Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (Norton, 2013)
- Brian Balogh, *The Associational State: American Governance in the Twentieth Century* (Penn, 2015)
- Jennifer Mittelstadt, *The Rise of the Military Welfare State* (Harvard, 2015)
- Karen Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935-1972* (Cambridge, 2016)
- Jefferson Cowie, *The Great Exception: The New Deal and the Limits of American Politics* (Princeton, 2016)

## POST 5 Discussion Questions

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**(11/6) Week XII: Energy, Capitalism, & Empire of Democracy** Lead: Kristin & Katie  
 Timothy Mitchell, *Carbon Democracy: Political Power in the Age of Oil* (Verso, 2013)

- Jason Scott Smith, "The Great Transformation: The State and the Market in the Postwar World," in *Boundaries of the State*, eds., James T. Sparrow, et.al., 127-151.
- Kornel Chang, "Independence without Liberation: Democratization as Decolonization Management in U.S.-Occupied Korea, 1945-1948," *Journal of American History* 107, 1 (June 2020), 77-106.

### Further Reading:

- Penny M. Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Cornell, 1997)
- Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, 2004)
- Victoria de Grazia, *Irresistible Empire: America's Advance through Twentieth-Century Europe* (Harvard, 2005)
- Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Harvard, 2007)
- Jeremi Suri, "The Limits of American Empire: Democracy and Militarism in the Twentieth and Twenty-First Centuries," from Alfred M. McCoy and Francisco A. Scarano, eds., *Colonial Crucible: Empire in the Making of the Modern American State* (Wisconsin, 2009), 523-531.
- Julie Greene, *The Canal Builders: Making America's Empire at the Panama Canal* (Penguin, 2010)
- Samuel Moyn, *The Last Utopia: Human Rights in History* (Harvard, 2010)
- Jason M. Colby, *The Business of Empire: United Fruit, Race, and U.S. Expansion in Central America* (Cornell, 2011)
- Darren Dochuk, "Moving Mountains: The Business of Evangelicalism and Extraction in a Liberal Age," in *What's Good for Business: Business and American Politics since World War II*, eds., Kim Phillips-Fein and Julian E. Zelizer, 72-90.
- Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Harvard, 2014)
- Stephen R. Porter, *Benevolent Empire: U.S. Power, Humanitarianism, and the World's Dispossessed* (Penn, 2016)
- Daniel Immerwahr, *How to Hide An Empire: A History of the Greater United States* (Farrar, Straus and Giroux, 2019)
- Jennifer M. Miller, *Cold War Democracy: The United States and Japan* (Harvard, 2019)

## POST 5 Discussion Questions

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### (11/13) Week XIII: Consumption & Its Politics

Lead: James & Alan

Sarah Milov, *The Cigarette: A Political History* (Harvard, 2019)

Barbara Young Welke, "The Cowboy Suit Tragedy: Spreading Risk, Owning Hazard in the Modern American Consumer Economy," *Journal of American History* 101 (June 2014), 97-121.

Paul Sabin, "Environmental Law and the End of the New Deal Order," *Law and History Review* 33 (Nov. 2015), 965-1003.

#### Further Reading:

David Vogel, "The 'New' Social Regulation in Historical and Comparative Perspective" from McCraw, ed. *Regulation in Perspective: Historical Essays* (1981)

Jefferson Cowie, *Capital Moves: RCA's Seventy-Year Quest for Cheap Labor* (Cornell, 1999)

Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (Vintage, 2004)

Paul Charles Milazzo, *Unlikely Environmentalists: Congress and Clean Water, 1945-1972* (2006)

Shane Hamilton, *Trucking Country: The Road to America's Wal-Mart Economy* (Princeton, 2008)

Bethany Moreton, *To Serve God and Wal-Mart: The Making of Christian Free Enterprise* (Harvard, 2009)

Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (Yale, 2011)

Jefferson R. Cowie, *Staylin' Alive: The 1970s and the Last Days of the Working Class* (New Press, 2012)

Angus Burgin, *The Great Persuasion: Reinventing Free Markets since the Depression* (Harvard, 2013)

Robert O. Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (Hill and Wang, 2013)

Sophia Z. Lee, *The Workplace Constitution from the New Deal to the New Right* (Cambridge, 2014)

Bartow J. Elmore, *Citizen Coke: The Making of Coca-Cola Capitalism* (Norton, 2015)

Lily Geismer, *Don't Blame Us: Suburban Liberals and the Transformation of the Democratic Party* (Princeton, 2015)

Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Zone, 2015)

Sarah A. Seo, *Policing the Open Road: How Cars Transformed American Freedom* (Harvard, 2019)

## POST 5 Discussion Questions

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### (11/20) Week XIV: Racial Capitalism: The Longue Durée

Lead: All

Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States* (Basic, 2020)

N.D.B. Connolly, "Games of Chance: Jim Crow's Entrepreneurs Bet on 'Negro' Law and Order," in *What's Good for Business: Business and American Politics since World War II*, eds., Kim Phillips-Fein and Julian E. Zelizer (Oxford, 2012).

Lily Geismer, "Agents of Change: Microenterprise, Welfare Reform, the Clintons, and Liberal Forms of Neoliberalism," *Journal of American History* 107, 1 (June 2020), 107-131.

#### Further Reading:

Thomas J. Sugrue, *The Origins of Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, 1996)

Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, 2000)

- John D. Skrentny, *The Minority Rights Revolution* (Harvard, 2004)
- Risa L. Goluboff, *The Lost Promise of Civil Rights* (Harvard, 2007)
- Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *Journal of American History* (December 2010), 703-734.
- Daniel T. Rodgers, *Age of Fracture* (Harvard, 2012)
- Tomiko Brown-Nagin, *Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement* (Oxford, 2012)
- Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Harvard, 2016)
- Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (Liveright, 2017)
- Elizabeth Gillespie McRae, *Mothers of Massive Resistance: White Women and the Politics of White Supremacy* (Oxford, 2018)
- Kathleen Belew, *Bring the War Home: The White Power Movement and Paramilitary America* (Harvard, 2018)
- Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill, 2019)

## POST 5 Discussion Questions

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**(11/25) Week XV/Finals Week**

**WRITE:** Essay uploaded to MOODLE by 5pm on 11/25. Details forthcoming.

**Doctoral Student Portfolio Due by 5pm on 12/4**